



Entered on Docket
June 17, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Third Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Marlton Square Loan**

Hearing Date: June 14, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Marlton Square Loan ("Marlton Square Loan") [DE 8343] (the "Objection"); the Court having heard the Objection on June 14, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Marlton Square Loan; and good cause
2 appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8343] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in their entirety
6 since those claims are based entirely upon an investment in the Marlton Square Loan.
7

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**
10

11 By /s/ John Hinderaker
12 Robert M. Charles, Jr.
13 John Hinderaker (*pro hac vice*)
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18 *Attorneys for USACM Liquidating Trust*
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker.
Attorneys for USACM Liquidating Trust

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**USACM Trust
Marlton Square
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Marlton Square Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan
10725-00340	9/28/2006	Lima, Stephen R & Pauletta C	460 Whiskey Hill Rd Watsonville, CA 95076-8522	100,000.00	100,000.00
10725-00198	9/8/2006	Maurice Fink Trust	*Undeliverable Address* Maurice Fink Ttee 3111 Bel Air Dr #15G Las Vegas, NV 89109	253,732.64	253,732.64
10725-01296	11/10/2006	Mcdonald, Erin E Revocable Living Trust	Erin E Macdonald Ttee 361 E Delamar Dr. Henderson, NV 89015	100,000.00	100,000.00
10725-00567	10/12/2006	Memon, Shahnaz	7210 Native Dancer Dr Reno, NV 89502	753.28	753.28
10725-00201	9/20/2006	MW Gorts & Company	Michael Gorts 7820 Emerald Harbor Ct Las Vegas, NV 89128	100,000.00	100,000.00
10725-00197	9/8/2006	Paul Bloch Living Trust Dtd 10/29/02	2111 Strada Mia Las Vegas, NV 89117-1980	253,732.64	253,732.64
10725-01217	11/10/2006	Paul G Chelew Charitable Remainder	Alta Bates Summit Foundation Ttee 2855 Telegraph Ave Ste 601 Berkeley, CA 94705-1161	50,000.00	50,000.00

EXHIBIT A

2361253.1

**USACM Trust
Marlton Square
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Marlton Square Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan
10725-01378	11/13/2006	Payne, Shirley	Po Box 208 Grass Valley, CA 95945	50,000.00	50,000.00
10725-00196	9/8/2006	Portnoff Building	Po Box 97593 Las Vegas, NV 89193	76,119.79	76,119.79
10725-00711	11/7/2006	Rains Properties LP	Donna M Osborn Esq Marquis & Aurbach 10001 Park Run Dr Las Vegas, NV 89145	350,000.00	350,000.00
10725-02319	1/13/2007	RBR Partnership	Po Box 376 Indian Springs, NV 89018-0376	55,381.90	55,381.90

EXHIBIT A

2361253.1